

on the streets. That was about the grade of police answers.

Alderman Folkes asked about a court attendant in Brooklyn.

"I object to that stuff," shouted Alderman Dowling. "We are investigating the police."

Folkes withdrew the question and Mr. Cropsy was called.

CROPSY STILL STRONG FOR HIS INVESTIGATION BUREAU.

Mr. Buckner examined:

Q. Have you, like all former and present commissioners—save one—(Waldo) waived immunity? A. Yes.

Q. As commissioner, did you think it important to see that good men got on the force? A. I thought it of the highest importance. I found Lieut. Stanton in charge of the investigating bureau, and I thought it excellent.

Q. Did you talk to the men you appointed, or leave it to the office? A. I talked with every man I appointed or rejected, and found it was worth while. It was the most important thing, in my estimation, in my work.

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promote several men to be captains and inspectors? A. He had, and he had a long talk about it with the Mayor, respectfully but firmly, that I did not propose to make any more captains and inspectors. I told him I did not need these men, and that I had enough inspectors and captains, and the men we had were doing nothing. I had contemplated reducing a number of inspectors because they had no work to do. He said the Board of Estimate had appropriated money for several more captains at his personal request. I answered that, despite the technical right to make more captains, I would not do so. I said the department then was overworked with high-priced captains and lieutenants and that they were doing nothing for their money. I said to the Mayor: "I heard your speech to the Lieutenants' Association and I heard you tell them they would be promoted in numerical order to be captains. Now, Mr. Mayor, I said to them, 'There are lieutenants on that list—some of them high on the list—whom I never will permit to be captains, because they are unfit.' The Mayor asked me who they were. I mentioned two of them—maybe a third, but I am not sure of the third."

MAYOR KNEW ABOUT PEABODY, SAID CROPSY.

Q. Who were the men you mentioned? A. Lieutenants Peabody and Reith.

Q. Why would you not name them? A. That's what the Mayor asked me. I said to the Mayor: "You needn't ask me about Peabody, Mr. Mayor. You needn't ask me about Reith, Mr. Mayor, and you know all about Peabody. The Mayor said: 'Yes, I have heard of Peabody. He was mixed up in the Gould case and he conspired with underlings and crooks.' Can't you get rid of him?"

I told the Mayor that while I heard of all these charges against Peabody, I had no legal proof on that to demand him from the force. I knew, Mr. Mayor, that you lay great stress on the fact that Peabody will not pay his clothes' bills, but I do not consider that to be a crime, and I have no other charges I have not enough proof."

"Well, what's the matter with Reith?" demanded the Mayor. I told him Reith was under charges of having copied more than two hundred letters in Brooklyn precincts and furnished them to the press, and that I would not appoint him under any circumstances.

Both Peabody and Reith later became captains under Mr. Waldo.

Q. On the need of captains, were you aware there were ten patrolmen in the precinct? A. Yes, and the Mayor knew it too. He asked me to write him about it.

Q. After getting Creelman's letter did you call on the Mayor? A. Yes. While I was respectful, I told him what I thought. I asked him if he had given the Creelman letter to the newspapers. He did not answer until I had asked a second time. Then he told me he had given it to them. I told him that it was an unjustifiable act. I told him that it was evident he did not want me as Commissioner. I had offered to resign in February. I think I said it was cowardly, unfair and ungentlemanly—all referring to his conduct.

CALLED GAYNOR A GREAT DEAL MORE THAN COWARDLY.

Q. Did you tell him? A. Oh, I told him a great deal more. I told him of my arrangement with Mr. McGuire, and I told him that he did not believe it, and that he would first have to get McGuire's word for it. I told the Mayor that I would like to see McGuire's letter to the Commissioner. I told him that I would like to see McGuire's letter to the Commissioner.

I tried to be respectful to the Mayor throughout. I told him that I knew I had done things he didn't want to do. That made no difference. I acted as moderately as I had ever acted in the matter of rejecting the forty-seven applicants well deserving promotion.

Q. The Mayor said, in his testimony here, that his clerk gave out the Creelman letter? A. The Mayor told me he gave it out.

Q. The question of promotion Mr. Cropsy said he was requested by the Mayor to promote Capt. Robinson, which was done. Otherwise appointments and promotions were made in numerical order.

Magistrate McGuire, next called to the stand, testified that he did hold a talk with Mr. Cropsy regarding undesirable appointments to the force.

"I called Mr. Cropsy on the phone and told him he had appointed beyond the three-name rule. Mr. Cropsy wanted to know if he was bound to appoint in order. I told him I had no doubt that any good reasons he had for failing to appoint might prove satisfactory to the Commission, as well as to myself. We came together and talked like men, having in mind only the good of the city—the Civil Service Commission was made for the city and not the candidates."

Magistrate McGuire fully corroborated Mr. Cropsy, contradicting Creelman's testimony.

Frank A. Spencer, secretary of the Civil Service Commission, produced a list of the men whom Commissioner Waldo accepted, without further examination by the Civil Service Commission, after they had been rejected by Commissioner Cropsy.

WALDO HANDS THE "BUCK" PARTLY BACK TO CREELMAN.

Owing to the prolonged session of the Board of Aldermen it was 3:15 before the afternoon hearing was begun.

Commissioner Waldo, recalled, was questioned by Mr. Buckner:

"Did you testify that you returned the entire list to the Civil Service Commission?"

Mr. Creelman said that he had said that the case of James B. Fisher was among them. A. I do not remember Fisher, then or now. I remember only the facts. I recall that I believed certain of the names were not to be reappointed without further investigation.

Mr. Buckner read from the testimony of Mr. Creelman in which the latter stated that Waldo had withdrawn some of the cases.

"I stated all that was contained in my memory," said the witness.

"But Mr. Creelman states positively that you withdrew certain cases after that had been in mind 'criminal arrest,' adding that he was merely arrested because while he was a motorist his car killed a policeman in a collision."

Mr. Cropsy replied to the Mayor that Pollock swore he had never been arrested. Investigation showed that he was also indicted and that he had made a false statement of his age.

Q. Did you have any further conversation with the Mayor regarding the forty men you passed over? A. Not until May 15 after the papers had published the letter of the Mayor to me and Creelman's letter to the Mayor. I read these letters and the paper before they were mailed to me.

Q. Did the Mayor ever direct you to make appointments in numerical order? A. He did not, but he had never would have taken the place of Police Commissioner.

Q. Mr. Creelman said you tried to break down the Civil Service laws. Did you? A. I did not, but my idea was that the Commission's first duty was to see good men for me.

REFUSED TO MAKE CAPTAINS AND INSPECTORS FOR GAYNOR.

Q. Had the Mayor insisted that you

promote several men to be captains and inspectors? A. He had, and he had a long talk about it with the Mayor, respectfully but firmly, that I did not propose to make any more captains and inspectors. I told him I did not need these men, and that I had enough inspectors and captains, and the men we had were doing nothing. I had contemplated reducing a number of inspectors because they had no work to do. He said the Board of Estimate had appropriated money for several more captains at his personal request. I answered that, despite the technical right to make more captains, I would not do so. I said the department then was overworked with high-priced captains and lieutenants and that they were doing nothing for their money. I said to the Mayor: "I heard your speech to the Lieutenants' Association and I heard you tell them they would be promoted in numerical order to be captains. Now, Mr. Mayor, I said to them, 'There are lieutenants on that list—some of them high on the list—whom I never will permit to be captains, because they are unfit.' The Mayor asked me who they were. I mentioned two of them—maybe a third, but I am not sure of the third."

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